

Pro Se 3 (Rev. 12/16) The Defendant's Answer to the Complaint

UNITED STATES DISTRICT COURT

for the

Southern District of Texas

United States Courts
Southern District of Texas
FILED

MAY 24 2018

David J. Bradley, Clerk of Court

Houston DivisionANGEL FLORES, CESAR HERNANDEZ, DEBORAH
RIVERA, LAURA LOZOYA, and SALLY A MARTINEZ
individually and On Behalf of All Others SimilarlySituated

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint.
If the names of all the plaintiffs cannot fit in the space above,
please write "see attached" in the space and attach an additional
page with the full list of names.)

-v-

JBM JANITORIAL MAINTENANCE, INC. KRC
FLOOR MAINTENANCE, INC. VIRIDIANA GARCIA
A/K/A VIRIDIANA MARTINEZ, RAFAEL V.
MARTINEZ CECIL MARTINEZ

Defendant(s)

(Write the full name of each defendant who is being sued. If the
names of all the defendants cannot fit in the space above, please
write "see attached" in the space and attach an additional page
with the full list of names.)

Case No. 4:18-cv-01263

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

THE DEFENDANT'S ANSWER TO THE COMPLAINT

I. The Parties Filing This Answer to the Complaint

Provide the information below for each defendant filing this answer or other response to the allegations in the plaintiff's complaint. Attach additional pages if needed.

Name	KRC FLOOR MAINTENANCE, INC.
Street Address	6101 LYONS AVE.
City and County	Houston
State and Zip Code	Texas 77020
Telephone Number	832-409-5800
E-mail Address	krc.floormaint@gmail.com

II. The Answer and Defenses to the Complaint

A. Answering the Claims for Relief

On a separate page or pages, write a short and plain statement of the answer to the allegations in the complaint. Number the paragraphs. The answer should correspond to each paragraph in the complaint, with paragraph 1 of the answer corresponding to paragraph 1 of the complaint, etc. For each paragraph in the complaint, state whether: the defendant admits the allegations in that paragraph; denies the allegations; lacks sufficient knowledge to admit or deny the allegations; or admits certain allegations but denies, or lacks sufficient knowledge to admit or deny, the rest.

1. ANSWER

COMES NOW defendant KRC FLOOR MAINTENANCE, INC. in the above-captioned cause of action and answers the Complaint of Plaintiff by generally denying all of the allegations in the Complaint, except as may be specifically admitted or deny bellow referring to paragraphs and/or sections as numbered by Plaintiffs Complain and pertaining to the Defendant (referred from here forward as "KRC").

Nature of Suit

Defendant (KRC) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not even in existence.

Jurisdiction & Venue

Defendant (KRC) admits is located in the Houston Division of the Southern District of Texas. Defendant is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not even in existence.

Parties

Defendant (KRC) admits its registered agent is Rafael Martinez. Defendant is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not even in existence.

Facts

Defendant (KRC) denies any liability incurred from JBM. Defendant (KRC) incorporated in November 6, 2017 before JBM terminated their City contracts with MBM, Inc. Rafael Martinez KRC's agent had been working as a Contractor and Employee for JBM. Rafael Martinez decided to stop being a self-proprietor and decided to incorporate. Rafael is the Agent, President and 100 % stock owner to the corporation. KRC's only supervisor and manager is Rafael Martinez. Defendant (KRC) does not use the same supervisory personnel as JBM. KRC operates with a limited office staff. Defendant KRC denies acquiring JBM's assets. KRC bought some assets from JBM when JBM was closing. KRC opened its doors when it incorporated at 6101 Lyons

Avenue. Houston, Texas 77020. Defendant (KRC) denies using JBM's location of operation. KRC's main focus in labor was floor work, incorporating later cleaning services. KRC business practice is like ABM, Maintenance of Houston, NCC, Vanguard, Texas Contractors, etc. Defendant (KRC) started with its own clients, has continue with a diversity of clients. Defendant (KRC) admits going after 2 of JBM's clients after JBM closed but so did the other contractors who got MBM, Inc. (JBM's major client) Defendant (KRC) abides by the FLSA laws, purchases all its material from Texas vendors. Regarding the remainder of the allegations, defendant is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

Count One-Failure to pay the Minimum Wage

Defendant (KRC) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not even in existence.

Count Two- failure to pay Overtime

Defendant (KRC) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not even in existence.

Count Three- Failure to Maintain Accurate Records

Defendant (KRC) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not in existence

.Count Four-Collective Action Allegations

Defendant (KRC) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof. Defendant (KRC) was not in existence.

Jury by Trail

Defendant (KRC) was not in existence.

Prayer

Having completed the Answer to the complaint, Defendant (KRC) is without sufficient knowledge to either admit or deny the allegations contained therein and therefore denies same and leaves Plaintiff to its proof.

WHEREFORE, Defendant prays for relief as follows:

1. The complaint against Defendant be dismissed
2. I ask for court cost.
3. I ask for such other and further relief, at law or in equity, to which I may be justly entitled.

I, Rafael Martinez, Representative Agent of Defendant KRC Floor Maintenance, Inc. hereby attest that the herein answers are true and correct to best of my knowledge.

Party without an Attorney

I agree to provide the prospective agencies with any changes to my address where case-related papers may be served. I understand that my failure to provide to keep a current address on file with the prospective offices may result in the dismissal of my case.

Date of signing 5/23/2018

Signature of Defendant KRC FLOOR MAINTENANCE, INC
AGENT. Rafael M.

Printed Name of Defendant KRC FLOOR MAINTENANCE, INC.

Certificate of Service

I certify that a copy of this document was delivered to the Plaintiff's lawyer or the Plaintiff (if the Plaintiff does not have a lawyer) on the same day this document was filed with (turned in to) the Court as follows: *(Check one.)*

- ☐ through the electronic file manager if this document is being filed electronically
- ☐ by certified mail, return receipt requested
- ☐ by fax, to fax # _____
- ☒ by personal delivery
- ☐ by email to this email address: _____

▶ Mary Ann Grullen
Signature

5/23/2018
Date